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REMARKS

In response to the Office Action mailed December 7, 2006 (hereinafter "Office Action"), claim 8 has been canceled without prejudice or disclaimer, and claims 1-2 have been amended. Claims 9-13 have been newly added. Therefore, claims 1-7 and 9-13 are pending. Support for the instant amendments is provided throughout the as-filed specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1-7 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. [Office Action, pg. 2, ¶4]. In particular, the Office Action alleges that the specification does not provide support for user selected coordinates, as recited in claim 1. Applicant respectfully traverses this rejection because Fig. 6 and paragraph [0062] of the published application clearly describes allowing the user to select coordinates. However, merely in order to expedite prosecution, claim 1 has been amended. Therefore, Applicant respectfully requests this rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-7 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. [Office Action, pg. 3, ¶3]. In particular, the Office Action alleges that the language "device adapted to permit operations selected consisting" is

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grammatically indecipherable, as recited in claim 1. In response, claim 1 has been amended by deleting this phrase, thereby rendering the rejection moot. Therefore, Applicant respectfully requests this rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102

Claims 1-6 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,836,667 B1 to Smith, Jr. *et al.* ("Smith"). [Office Action, pg. 4, ¶1]. Applicant respectfully traverses this rejection for at least the reason that Smith neither explicitly nor impliedly discloses each of the elements of claims 1-6.

"A prior art reference anticipates a patent claim if the reference discloses, either expressly or inherently, all of the limitations of the claim." *Metabolite Laboratories, Inc. v. Laboratory Corporation of America Holdings*, 370 F.3d 1354, 1367, 71 U.S.P.Q. 2d (BNA) 1081, 1090 (Fed. Cir. 2004) (quoting *EMI Group N. Am., Inc. v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 1350, 60 U.S.P.Q. 2d (BNA) 1423, 1429 (Fed. Cir. 2001) (citation omitted)).

Smith does not disclose a messaging system for use in a mobile radio service network associated with coordinate way points comprising, *inter alia*, wherein the device is operable to leave a message within the network associated with the captured coordinate location, wherein the left message is associated with a specific area of granularity and a time period during which the message is available, as recited in claim 1.

Smith describes a wireless telecommunication system that uses location or position information of a wireless mobile unit to enable the sending of messages to travelers. *See*, col.

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2, lines 38-41 of Smith. Based upon the user's location information related to the location is sent to the user's device through the network. *See*, col. 7, line 32-col. 8, line 4 of Smith.

However, Smith does not disclose at least the feature of "leaving the at least one message associated with a specific coordinate location within the network, wherein the at least one message is associated with a specific area of granularity and a time period the message is available," as recited in claim 1. As discussed above, Smith teaches that information is sent to the user based on the user's location. Smith does not disclose allowing the user to leave messages associated with coordinate locations. Additionally, the cited portions of Smith do not disclose that the message is associated with a level of granularity and a time period that the message is available. For at least these reasons, Smith does not disclose claim 1.

Claims 2-6 are patentable over Smith at least by virtue of their dependency from claim 1, and for the additional features recited therein.

Thus, Applicant respectfully requests that the rejections of claims 1-6 under 35 U.S.C. §102(e) be withdrawn and the claims be allowed.

REJECTIONS UNDER 35 U.S.C. §103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Smith in view of Examiner's Official Notice. [Office Action, pg. 6, ¶4]. Applicant respectfully traverses this rejection for *at least* the reason that a *prima facie* case of obviousness has not been established.

Claim 7 depends from and claims additional features of claim 1. Since Smith does not disclose claim 1, claim 7 is not obvious over Smith.

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Thus, Applicant respectfully requests that the rejection of claim 7 under 35 U.S.C. §103(a) be withdrawn and the claim be allowed.

New Claims

New claim 9 recites a messaging method comprising, *inter alia*, setting the device to a specific area of granularity within said provider network, wherein the at least one message is associated with a specific coordinate way point and is not associated with a specific subscriber within said network, wherein the at least one message outside the area of granularity is not received by said subscriber and the at least one message within the area of granularity is received by the subscriber; leaving the at least one message within the network associated with the captured coordinate location within the network, wherein the at least one message is associated with a specific area of granularity and a time period during which the message is available.

New claim 14 recites a wireless device in communication with a mobile radio service provider network associated with coordinate way points comprising, *inter alia*, the at least one device enabled to be set to a specific area of granularity within the provider network, wherein the messages are associated with a specific coordinate way point and are not associated with a specific subscriber within said network, wherein the messages outside said area of granularity are not received by the at least one device and messages within said area of granularity are received by the at least one device, wherein the at least one device operable to leave the messages within the network associated with the captured coordinate location within said network, wherein the messages are associated with a specific area of granularity and a time period during which the message is available.

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As discussed above, the cited portions of Smith fail to disclose, for example, leaving a message associated with a specific coordinate location within the network, wherein the message is associated with a specific area of granularity and a time period the message is available. Therefore, Applicant submits that new claims 9 and 14 are patentable over Smith. Further, new claims 10-13 depend from claim 9, and are, therefore, patentable for at least the same reasons provided above related to claim 9, and for the additional features recited therein.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: March 7, 2007

Respectfully submitted,

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